

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

PROVIDENCE PROPERTY & §  
CASUALTY INSURANCE COMPANY, §  
Plaintiff and Counter-Defendant, §

v. §

Case No. 4:06-cv-285

PEOPLEASE CORPORATION §  
and PLC SERVICES, INC., §  
Defendants and Counter-Plaintiffs, §

v. §

PROVIDENCE HOLDINGS, INC., and §  
IMPERIAL CASUALTY & INDEMNITY §  
INSURANCE COMPANY, §  
Additional Counter-Defendants. §

**ORDER ON DEFENDANTS' MOTION IN LIMINE**

Before the court are "Defendants' Motion in Limine," (de # 111) and "Providence's Response to Defendants' Motion in Limine," (de # 128). Having considered the Motion and the response thereto, the court is of the opinion that the Motion should be GRANTED IN PART, GRANTED AS MODIFIED, IN PART, and DENIED IN PART:

1. Defendants' Motion in Limine number 1 is GRANTED AS MODIFIED.

Defendants' Motion is modified to read as follows: "Any evidence, statement or argument of parol evidence to vary or contradict the terms of the insurance policies issued in this case, except that extrinsic evidence may be introduced to explain any ambiguities or gaps in the insurance contracts or to show that the insurance contracts did not represent the full and final expression of the parties' contractual relations."


*See Texas v. Am. Tobacco Co.*, 463 F.3d 399, 407 (5<sup>th</sup> Cir. 2006); *Waters v. S. Farm*

*Life Ins. Co.*, 617 S.E.2d 385, 524 (S.C. Ct. App. 2005); *see also Khan v. Trans Chem. Ltd.*, 178 Fed. Appx. 419, 422 n.4 (5<sup>th</sup> Cir. 2006).

2. Defendants' Motion in Limine number 2 is DENIED. *See Int'l Ins. Co. v. RSR Corp.*, 426 F.3d 281 (5<sup>th</sup> Cir. 2005).
3. Defendants' Motion in Limine number 3 is DENIED.
4. Defendants' Motions in Limine numbers 4-6 are GRANTED.
5. Defendants' Motion in Limine number 7 is GRANTED AS MODIFIED. Defendants' Motion is modified to read as follows: "Any evidence that Providence did not produce, supplement, or disclose during discovery, except that Providence shall be entitled to introduce evidence of claims for damages that have continued to accrue subsequent to discovery."
6. Defendants' Motions in Limine numbers 8-16 are GRANTED.

IT IS SO ORDERED.

**SIGNED this the 13th day of November, 2007.**

  
\_\_\_\_\_  
RICHARD A. SCHELL  
UNITED STATES DISTRICT JUDGE